

REMARKS

Reconsideration of the Final Office Action and entry of the foregoing amendments for the purpose of placing the claims in immediate condition for allowance or in better form for appeal is respectfully requested.

A one month extension of time with requisite fee is enclosed.

To summarize the claim changes or status presented herein:

A) Rejected claims 1-5, 7, 46 and 51 have been cancelled.

B) Allowed claims 6, 10, 47, 49 and 50 remain as earlier presented and found allowable.

C) Rejected Independent claim 8 has been amended to include the subject matter of claim 53 noted in the Final Office Action as representing allowable subject matter. Claim 53 has been cancelled.

D) The objected to (allowable subject matter) dependent claim 48 has been rewritten into independent form.

E) Rejected dependent claim 9 has been rewritten in independent fashion and a discussion as to why it represents allowable subject matter is presented below.

F) Rejected dependent claim 52 (52/51/1) has been rewritten in independent fashion and a discussion as to why it represents allowable subject matter is presented below.

G) Withdrawn claim 32, which depended from claim 10, has been amended to improve the antecedent status of some of the wording.

Based on the indication set out in the Final Office Action, it is respectfully submitted that the claims contained within A to D contain subject matter noted as being allowable in the Final Rejection. As to E) and F) above, claims 9 and 52 were rejected in the Final Office Action as being considered by the Examiner as being anticipated by Morales. In the discussion accompanying that rejection it was set forth that “[w]ith respect to claims 9 and 51-52, Morales shows the latch 22’, 22” further comprises a release facilitator (using a spring 29) to remove the roll from the spindle as the spindle moves into the dispenser mode position, see figure 3.”

Thus, the rejection relies on the spring biased cam pin toilet roll stopper assembly shown in Figure 3A of Morales as the latch and the release facilitator of the claimed invention. This is respectfully submitted to be in error as each of claims 9 and 52 are not directed at a latch for a roll positioning assembly, but a latch associated with spindle movement (e.g, relative to the

spindle support). As shown, for example, in Figures 6, 12 and 11A to 11D there is a spindle fixation latch (226) that is shown mounted on the spindle support and is designed to hold in position the spindle. Upon release the spindle fixation latch allows the spindle to be rotated to a more accessible location. In addition, there is a movement facilitator that helps in this movement of the spindle from a film feed out state to a roll replacement state with examples given of facilitators on pages 60 and 61 as follows:

In a preferred embodiment, there is further provided a release facilitator 221 (Fig. 11D) such as a light load wrapped torsion spring or a compressed helical spring or solenoid driven pusher to initiate the rotation of the spindle toward the load state as illustrated by the rotation arrow in Figure 12. Thus, release facilitator means is provided such as an electrically activated pusher solenoid, a compressible elastomeric block, or some other rotation facilitator.

A review of the Morales prior art reference reveals that it is lacking the claimed features found in claims 9 and 52 (e.g., a combination latch and a facilitator such as a facilitator with means for pushing the spindle to the desired location once unlatched so as to provide assistance in moving the spindle (with heavy roll attached, for example) from its less accessible location to the more accessible location). This is true even under the broadened (non-limiting preamble) interpretation being applicable to the present claim set.

The remaining withdrawn claims 32 and 33 depend from allowed claim 10 and thus rejoinder of the withdrawn dependent claims is also requested. A review of claim 32 revealed a need for antecedent type minor revisions in that claim.

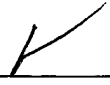
In view of the forgoing, it is respectfully submitted that all pending claims stand in condition for allowance.

A check on the progress of the earlier forwarded supplemental declaration is being made. In the event it is not received by the time the case is picked up for consideration a Quayle Action is respectfully requested.

If for any reason any fee is deemed required relative to this filing, authorization is given to charge deposit account no. 02-4300 for such fee.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By:



Dennis C. Rodgers, Reg. 32,936
1850 M Street, N.W., Suite 800
Washington, DC 20036
Telephone: 202/263-4300
Facsimile: 202/263-4329

Date: March 14, 2006